



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/712,286	11/15/2000	Hongyong Zhang	0756-2224	4444

31780 7590 12/08/2003

ERIC ROBINSON  
PMB 955  
21010 SOUTHBANK ST.  
POTOMAC FALLS, VA 20165

EXAMINER

MUNSON, GENE M

ART UNIT	PAPER NUMBER
----------	--------------

2811

DATE MAILED: 12/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/712,286

Applicant(s)

H. ZHANG ET AL

Examiner

G. MUNSON

Group Art Unit

2811

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- ☒ Responsive to communication(s) filed on 8 October, 14 November 2003
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-4, 6-9, 56-71 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-4, 6-9, 56-71 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement

## Application Papers

- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some\* ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_
- ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other \_\_\_\_\_

Office Action Summary

Art Unit: 2811

Examination is continued under 37 CFR 1.114.

Claims 1, 2, 4, 6, 7, 9, 56, 57, 59-61, 63-65, 67-69 and 71 are rejected as double patenting of the non-statutory type over claims of the Zhang et al patent No. 6,194,740, which issued from parent application, considered together with Yamamoto et al. See MPEP 804. To use optical sensors of the patent claims in a line image sensor, it would have been obvious to use an arrangement with transistors as in Yamamoto et al (Figure 3), with the optical sensors as the light detection elements, in order to achieve a line image sensor.

Claims 3, 8, 58, 62, 66 and 70 are rejected as double patenting of the non-statutory type over claims of the Zhang et al patent No. 6,194,740, and Yamamoto et al., as in the above rejection, further considered together with Ozawa. It would have been obvious to use a shift register as in Ozawa (Figure 1A) to implement a pulse generating circuit 106 as in Yamamoto et al (Figure 3).

Claims 1-4, 56-59 and 64-67 are rejected as double patenting of the non-statutory type over claims of the Zhang et al patent No. 6,194,740 considered together with Morozumi. To use optical sensors of the patent claims in an area image sensor, it would have been obvious to use an arrangement with transistors with rows and columns as in Morozumi (Figure 1), with an optical sensor connected to a transistor as is a light element 18 (Figure 3), in order to achieve an area image sensor. Furthermore, it would have been obvious to use a parallel capacitor (Figure 12) in order to store charge generated in an optical sensor (claims 1, 56).

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple

Art Unit: 2811

assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a non-statutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

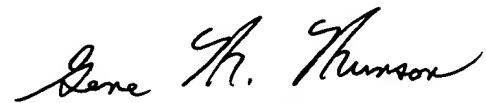
The references are of record.

No claim is allowed.

Any inquiry concerning this communication should be directed to G. Munson at telephone number (703) 308-4925 or 0956.

Munson

12/04/03



GENE M. MUNSON  
EXAMINER  
GROUP ART UNIT 2811